

Application No. 10/540,348
Amendment Dated 17 April 2008
Reply to Office Action of 17 March 2008

- iv) the linker group L being substituted at the 4-position on the azine, i.e. the pyrimidine or pyridine ring;
- v) the linker group L being substituted at the 5-position on the azole, i.e. the imidazole, oxazole or thiazole ring;
- vi) a mandatory substituent Q¹ on the imidazole, oxazole or thiazole ring; and
- vii) the substituent Q¹ must be adjacent the N atom of the imidazole, oxazole or thiazole substituent, i.e. at the 4-position.

The applicants have found that compounds that share these essential common structural features all possess Tie2 activity. They have demonstrated this in the specification, which lists 47 examples of compounds falling within the scope of the claim, all of which have activity as a Tie2 receptor tyrosine kinase inhibitor as measured by the assays described in the description, results for which are given on page 30 of the published specification of the parent PCT application. Hence the applicants have shown that it is entirely reasonable to expect that all the compounds sharing the listed essential common features, i.e. those falling within the scope of the claims, would have the desired activity, and that, therefore, they are part of the same inventive concept.

Applicants submit that where a claim is for a group of compounds that are of a similar nature and that meet the standard that they all possess a common property and activity, they should be considered to form a single inventive concept. This is the case with the compounds claimed in the instant application.

On reading the present application, the man skilled in the art, with his knowledge of the prior art Tie2 active compounds (for example the prior art cited in the ISR for the parent PCT application), would expect that all of the compounds falling within the scope presently claimed would be active. He would be aware from the prior art that compounds in which there is an azine group, i.e. either a pyrimidine or a pyridine ring, may have Tie2 activity and he would consider them to both be in the same class of compounds.

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None of the Tie2 active compounds of the prior art have a linker group L. None of the compounds of the prior art, therefore, possess this essential common structural feature of the present invention, the feature that unites all of the compounds falling within the present claims.

Accordingly, applicants submit the restriction is improper and respectively request the examiner reconsider and remove the restriction requirement.

Although Applicants believe no fees are due, the Commissioner is hereby authorized to charge any deficiency in the fees or credit any overpayment to deposit account No. 50-3231, referencing Attorney Docket No. 100877-1P US.

Respectfully submitted,
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